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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,546	02/16/2001	Sonya Franklin	875.037US1	5198

21186 7590 03/04/2002

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EXAMINER

PATTERSON, CHARLES L JR

ART UNIT PAPER NUMBER

1652

DATE MAILED: 03/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,546

Applicant(s)

FRANKLIN, SONYA

Examiner

Charles L. Patterson, Jr.

Art Unit

1652

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspond nce address --**

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1031 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Restriction to one of the following inventions is required under 35

U.S.C. 121:

- I. Claims 1, 2, 4-18 and 27-29, drawn to a peptide of SEQ ID NO:2 and a use for the peptide, classified in class 435, subclass 199.
- II. Claims 1, 3-18 and 27-29, drawn to a peptide of SEQ ID NO:3 and a use for the peptide, classified in class 435, subclass 199.
- III. Claims 1, 4-18 and 27-30, drawn to a peptide of SEQ ID NO:4 and a use for the peptide, classified in class 435, subclass 199.
- IV. Claims 1, 4-18, 27-29 and 31, drawn to a peptide of SEQ ID NO:5 and a use for the peptide, classified in class 435, subclass 199.
- V. Claims 1, 4-18, 27-29 and 32, drawn to a peptide of SEQ ID NO:6 and a use for the peptide, classified in class 435, subclass 199.
- VI. Claims 19-25, drawn to a nucleic acid, an expression cassette, a vector and a host cell, classified in class 435, subclass 320.1 and 252.3 and class 536, subclass 23.2.
- VII. Claim 26, drawn to a method to identify a synthetic endonuclease, classified in class 435, subclass 6.

The inventions are distinct, each from the other because of the following reasons:

Groups I-V are drawn to peptides that have different structures and therefore are patentably distinct. Group (I-V) and VI are drawn to completely different chemical compounds that are patently distinct. Group VII is drawn to a method for identifying a synthetic endonuclease that appears to be completely separate and distinct from either the peptide of Groups I-V or the nucleic acid of Group VI.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different

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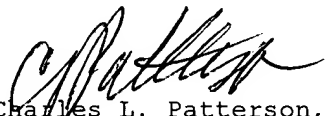
classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Patterson, Jr., PhD, whose telephone number is 703-308-1834. The examiner can normally be reached on Monday - Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 703-308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-0294 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.


Charles L. Patterson, Jr.
Primary Examiner
Art Unit 1652

Patterson
March 4, 2002